

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Andy H. Levine, David A. Melanson and John C. Meade

Application No.: 10/726,011

Group Art Unit: 3738

Filed: December 2, 2003

Examiner: Alvin J. Stewart

Confirmation No.: 2628

Title: ANTI-OBESITY DEVICES

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
March 1, 2006	<i>Marianne Lentini</i>
Date	Signature
MARIANNE LENTINI	
Typed or printed name of person signing certificate	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

03/08/2006 AKELECH1 00000050 10726011

01 FC:1806

180.00 OP

Sir:

This Supplemental Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

☐ under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☒ under 37 CFR 1.97(c) together with either:

☐ a Statement under 37 CFR 1.97(e), as checked below, or

☒ a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:

☐ a Statement under 37 CFR 1.97(e), as checked below, and

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application file.

(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
 - ☒ Copies of the cited references are enclosed.
 - ☒ Copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
 - ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
 - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
 - ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
 - ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
 - ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:
(Affix a label or apply the stamp "Non-Published IDS Reference - Do Not Scan" to the front of each unpublished pending appl'n.)

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except any application filed on or after June 30, 2003, which has been scanned into the PTO's Image File Wrapper (IFW) system and is available to the examiner.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

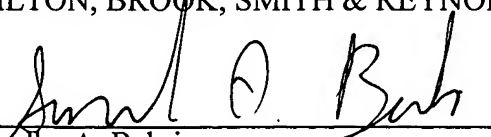
Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By


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Dated:

03/01/06

PTO-1449 REPRODUCED

ATTORNEY DOCKET NO.
3588.1000-001APPLICATION NO.
10/726,011FIRST NAMED INVENTOR
Andy H. LevineFILING DATE
12/2/2003EXAMINER
Alvin J. StewartCONFIRMATION NO.
2628GROUP
3738SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT
IN AN APPLICATION

March 1, 2006

(Use several sheets if necessary)



U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AB12	4,617,932	10/21/1986	Kornberg
	AC12	4,905,693	03/06/1990	Ravo
	AD12	4,913,141	04/03/1990	Hillstead
	AE12	5,104,399	04/14/1992	Lazarus
	AF12	5,322,501	06/21/1994	Mahmud-Durrani
	AG12	5,330,500	07/19/1994	Song
	AH12	5,405,378	04/11/1995	Strecker
	AI12	5,480,423	01/02/1996	Ravenscroft et al.
	AJ12	5,713,948	02/03/1998	Uflacker
	AK12	5,733,325	03/31/1998	Robinson et al.
	AB13	5,776,186	07/07/1998	Uflacker
	AC13	5,830,229	11/03/1998	Konya et al.
	AD13	6,241,757 B1	06/05/2001	An et al.
	AE13	6,302,891 B1	10/16/2001	Nadal
	AF13	6,485,515 B2	11/26/2002	Strecker
	AG13	6,623,518 B2	09/23/2003	Thompson et al.
	AH13	6,635,079 B2	10/21/2003	Unsworth et al.
	AI13	6,645,239 B1	11/11/2003	Park et al.
	AJ13	6,776,791 B1	08/17/2004	Stallings et al.
	AK13	6,821,291 B2	11/23/2004	Bolea et al.
	AA14	6,845,776 B2	01/25/2005	Stack et al.
	AB13	2002/0147489 A1	10/10/2002	Hong et al.
	AC14	2002/0188344 A1	12/12/2002	Bolea et al.
	AD14	2003/0032941 A1	02/13/2003	Boyle et al.
	AE14	2004/0082963 A1	04/29/2004	Gannoe et al.
	AF14	2004/0092974 A1	05/13/2004	Gannoe et al.

EXAMINER

DATE CONSIDERED

March 1, 2006

(Use several sheets if necessary)

APPLICATION NO.
10/726,011

FIRST NAMED INVENTOR
Andy H. Levine

FILING DATE
12/2/2003

EXAMINER
Alvin J. Stewart

CONFIRMATION NO.
2628

GROUP
3738

U.S. PATENT DOCUMENTS

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EXAMINER

DATE CONSIDERED

PTO-1449 REPRODUCED SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION March 1, 2006 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3588.1000-001		APPLICATION NO. 10/726,011	
	FIRST NAMED INVENTOR Andy H. Levine		FILING DATE 12/2/2003	
	EXAMINER Alvin J. Stewart	CONFIRMATION NO. 2628	GROUP 3738	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	AP4	EP 0 506 918 B1	01/03/1996	Song, Ho Young		
	AQ4	EP 0 857 471 A2	08/12/1998	Solco Surgical Instruments Co. Ltd. et al.		
	AL5	EP 1 481 649 A1	12/01/2004	Taewoong Medical Co. Ltd. et al.		
	AM5	EP 1 504 778 A2	02/09/2005	Ethicon Endo-Surgery		
	AN5	WO 92/06734 A1	04/30/1992	Song, Ho Young		
	AO5	WO 97/03624 A1	02/06/1997	Uflacker		
	AP5	WO 01/12256 A1	02/22/2001	Shin et al.		
	AQ5	WO 01/35861 A1	05/25/2001	Vogel et al.		
	AP6	WO 02/081019 A1	10/17/2002	Shin et al.		
	AM6	WO 02/096327 A2	12/05/2002	Weller et al.		
	AN6	WO 2004/000169 A1	12/31/2003	DiMatteo et al.		
	AQ5	WO 2004/004542 A2	01/15/2004	Satiety, Inc.		
	AP6	WO 2004/014237 A1	02/19/2004	Satiety, Inc.		
	AQ6	WO 2004/019765 A2	03/11/2004	Satiety, Inc.		
	AL7	WO 2004/019765 A3	03/11/2004	Satiety, Inc.		
	AM7	WO 2004/021894 A1	03/18/2004	Kelleher et al.		
	AN7	WO 2004/037064 A2	05/06/2004	Satiety, Inc.		
	AO7	WO 2004/037064 A3	05/06/2004	Satiety, Inc.		
	AP7	WO 2004/064682 A1	05/06/2004	Taewoong Medical Co. Ltd.		
	AO7	WO 2004/073782 A1	09/02/2004	Taewoong Medical Co. Ltd.		
	AL8	WO 2004/093639A3	11/04/2004	Satiety, Inc.		
	AM8	WO 2005/011533A1	02/10/2005	Taewoong Medical Co. Ltd.		

EXAMINER	DATE CONSIDERED
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DATE CONSIDERED